

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Cooper	Team: Team # 1	CCRB Case #: 201403139	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/01/2014 9:10 PM	Location of Incident: South Avenue and Brabant Street	Precinct: 121	18 Mo. SOL 10/1/2015	EO SOL 10/1/2015	
Date/Time CV Reported Wed, 04/02/2014 2:18 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 04/02/2014 2:18 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jonathan Glazer	01037	949035	121 PCT
2. POM Michael Gagliardi	06808	950453	121 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jonathan Glazer	Abuse: PO Jonathan Glazer stopped the car in which § 87(2)(b) was an occupant.	
B.POM Michael Gagliardi	Abuse: PO Michael Gagliardi stopped the car in which § 87(2)(b) was an occupant.	
C.POM Jonathan Glazer	Abuse: PO Jonathan Glazer frisked § 87(2)(b)	
D.POM Jonathan Glazer	Abuse: PO Jonathan Glazer searched § 87(2)(b)	
E.POM Jonathan Glazer	Abuse: PO Jonathan Glazer searched the car in which § 87(2)(b) was an occupant.	
F.POM Jonathan Glazer	Discourtesy: PO Jonathan Glazer acted rudely toward § 87(2)(b)	

Case Summary

On April 1, 2014 at 9:10pm, § 87(2)(b) drove by the scene of a shooting at 244 Grandview Avenue in Staten Island, and unbeknownst to him, he and his vehicle matched a description that had just been put over the radio of the fleeing perpetrator. His vehicle was stopped at South Avenue and Brabant Street in Staten Island by Officer Jonathan Glazer and Officer Michael Gagliardi of the 121st Precinct (**Allegation A** and **Allegation B**). After initially refusing to comply with orders to exit his vehicle, § 87(2)(b) exited his vehicle and was frisked (**Allegation C**). Officer Glazer allegedly searched § 87(2)(b) (**Allegation D**). Officer Glazer searched the front driver's seat and front passenger's seat from the front and back and allegedly searched in the glove compartment and popped open the trunk (**Allegation E**). § 87(2)(b) was issued a summons for § 87(2)(a) 160.50 and when Officer Glazer handed § 87(2)(b) the summons, Officer Glazer allegedly threw § 87(2)(b)'s identification at him (**Allegation F**).

Mediation, Civil, and Criminal Histories

§ 87(2)(b) decided to have the case investigated. It was sent to the investigative unit on March 19, 2015. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been involved in six CCRB complaints § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- Officer Glazer has been on the force for 4 years and has one substantiated allegation. In case 201409418, he received a Command Discipline A for a vehicle search (encl. 2b-2c).
- Officer Gagliardi has been on the force for 3 years and there are no substantiated allegations against him (encl. 2d).

Finding and Recommendations

Allegations Not Pleaded

Although § 87(2)(b) stated at the end of his verified interview that Officer Glazer cursed at him during this incident, he could not recall any profanity that was used or a single instance of when it was being used. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Explanation of Subject Officer Identification

Officer Glazer and Officer Gagliardi admitted to interacting with § 87(2)(b)

Recommendations

Allegation A: Abuse of Authority: PO Jonathan Glazer stopped the car in which § 87(2)(b) was an occupant.

Allegation B: Abuse of Authority: PO Michael Gagliardi stopped the car in which § 87(2)(b) was an occupant.

Allegation C: Abuse of Authority: PO Jonathan Glazer frisked § 87(2)(b)

It is not in dispute that § 87(2)(b) was stopped by Officer Glazer and Officer Gagliardi while driving a grey four-door 2006 Nissan Altima sedan a block away from the scene of a shooting that had just occurred. It is also not in dispute that § 87(2)(b) and Officer Glazer have interacted before, and that § 87(2)(b) has been arrested and convicted on gun charges, which was known to the officers. It is also not in dispute that § 87(2)(b) refused to exit his vehicle and argued with the officers. It is not in dispute that Officer Glazer frisked § 87(2)(b) around his waistband, his legs down to his ankles, from his back to his arms, and pulled the tongues of his sneakers. § 87(2)(b) who is a black male, also stated to the CCRB that at the time of the incident he was wearing sweatpants (encl. 6a-6i).

The Event regarding this incident (encl. 9a-9bb, 11a) corroborates the officers' statements that minutes before the stop of § 87(2)(b) at 9:03pm, a call was put over the radio for a silver four-door sedan that fled northbound on Grandview Avenue. The Event also corroborates Officer Glazer's assertion that a description of a black male was put over the radio, which occurred at 8:56pm. The Event also specifies that the black male was wearing sweatpants.

Both Officer Glazer and Officer Gagliardi stated that even before they reached the windows of the vehicle to interact with § 87(2)(b) they recognized him and knew about his gun conviction and also knew of other gun arrests (encl. 7a-7m, 8a-8f). Both officers stated that as they approached the vehicle, § 87(2)(b) was actively making movements with his hands that they could not see, including sitting up as if he was putting something underneath him, leaning forward as if he was reaching under the steering wheel, and to his sides as the officers reached the vehicle. When the officers interacted with § 87(2)(b) he refused commands to keep his hands on the steering wheel and continued to move his hands, and he refused repeated requests to provide his identification. Officer Glazer was consistent in his interview and in the Stop, Question, and Frisk report (encl. 7a-7d) he created for this incident that matching the description, the physical and temporal proximity to the shooting, his furtive movements, his non-compliance, and his knowledge of § 87(2)(b)'s violent history were the factors that made Officer Glazer frisk § 87(2)(b) to see if he was armed.

In *People v. Pitt*, 488 N.Y.S.2d 38, the court determined that because a radio transmission contained specific and articulable facts which permitted the inference that the suspects were armed, the officers were justified in the vehicle stop, directing the occupants to exit the vehicle, and in conducting a frisk (encl. 1a-1c).

§ 87(2)(g)

§ 87(2)(g)

Allegation D: Abuse of Authority: PO Jonathan Glazer searched § 87(2)(b)

Allegation F: Discourtesy: PO Jonathan Glazer acted rudely toward § 87(2)(b)

§ 87(2)(b) alleged that when he was frisked as well as after the vehicle search was conducted, Officer Glazer entered his pockets, put his hands inside his sweatpants, and put his fingers between his shoes and socks. § 87(2)(b) stated that when Officer Glazer gave § 87(2)(b) the summons, Officer Glazer allegedly threw § 87(2)(b)'s identification at him (encl. 6a-6i).

Officer Glazer denied searching § 87(2)(b) in his interview and in the Stop, Question, and Frisk Report, and Officer Gagliardi was consistent that Officer Glazer did not search § 87(2)(b). Both officers denied Officer Glazer threw his identification at § 87(2)(b) (encl. 7a-7m, 8a-8f).

§ 87(2)(g)

Allegation E: Abuse of Authority: PO Jonathan Glazer searched the car in which § 87(2)(b)
was an occupant.

As discussed above, it is not in dispute that § 87(2)(b) and his vehicle matched the description put over the radio in regards to a shooting that occurred within temporal and physical proximity, § 87(2)(b) was non-compliant with the officers and argued with them, and initially refused to exit the vehicle, and that he has a gun possession history. It is not in dispute that Officer Glazer searched the front seats of the vehicle. § 87(2)(b) further alleged that Officer Glazer searched the glove compartment, unsnapped the back seats to search behind them, and popped open the trunk and looked inside.

The officers stated that § 87(2)(b) had been making movements with his hands and that they were unable to see his hands both as they approached and while they were speaking to § 87(2)(b) at the vehicle, and that he refused repeated commands to keep his hands on the steering wheel. Officer Glazer stated that after searching the front seats, he opened the back doors because the electronic components obscured the view from the front, so he put his head underneath the front seats from the back and searched underneath the floorboards, the mats on the driver's seat and passenger's seat, and the floor underneath the seats. Officer Glazer stated that there was nothing to search in the back seat, so he did not search the back seat. Officer Glazer was unaware that the back seat could be unsnapped and therefore did not do that. PO Glazer did not search the glove box, and did not open or search the trunk. Officer Glazer spent a minute or less searching the vehicle. Officer Glazer stated that he searched the areas of the vehicle that he did for the undisputed factors cited above, and additionally because Officer Glazer has made four arrests for loaded firearms, and in his experience, people become irate in the hope of being arrested for a lesser charge, such as obstructing governmental administration or resisting arrest, which would preempt an officer from entering a vehicle to search for a gun, and Officer Glazer thought § 87(2)(b) was trying to do that (encl. 7a-7m). Officer Gagliardi, who was facing the vehicle at the time of the search, also stated that Officer Glazer only searched the front seats

of the vehicle and denied that he searched the glove compartment, unsnapped the back seat, or opened or searched the trunk (encl. 8c-8f).

People v. Pitt, 488 N.Y.S.2d 38 also held that in the circumstances similar to this case mentioned above, officers were justified in searching the areas of the vehicle where the occupant was observed reaching (encl. 1a-1c).

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date